

STATEMENT OF PURPOSE

RS23388

The purpose of this legislation is to clarify that in the case of a court proceeding to assess whether a property is to be condemned, the value of the property may not include an increase or decrease in the value based upon a proposed use of the property to be condemned, the cost of court fees in which the property is sought to be condemned or prior action taken by the plaintiff or a government agency in anticipation of a condemnation proceeding. This legislation additionally clarifies the definition of "value", adding that value includes, but is not limited to, the highest and best use of the property thereof, the access available to the property, and all other facts related to value.

FISCAL NOTE

There will be no fiscal impact to the general fund.

There may be a fiscal impact to the Idaho Transportation Department, the Ada County Highway District and other local jurisdictions based upon negotiations and litigations determined by courts of jurisdiction.

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